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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Donald E. Weder

Dkt. No.: 8403.964

Serial No.:

Not Yet Assigned

Group Art Unit: 3643

Filed:

Herewith

Examiner: J. Gellner

For: DECORATIVE COVERING FOR A POTTED PLANT

Mail Stop PATENT APPLICATION Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

The following sections are being submitted for this Information Disclosure Statement:

- 1. [X] Preliminary Statements
- 2. [X] FORM PTO-1449 (Modified)
- 3. [X] Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))
- 4. [X] Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
- 5. [X] Copies of Listed Information Items Accompanying this Statement
- 6. [X] Identification of Person(s) Making this Information Disclosure Statement

Section 1. Preliminary Statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. § 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 2. Form PTO-1449 (Modified)

- [X] A completed Form 1449 (Modified) is attached hereto.
- [] No Form 1449 (Modified) is attached.

Section 3. Statements as to Information Not Found in Patents or Publications (Information not listed in PTO 1449 (Modified))

Plant sleeves are old in the art. Plant sleeves typically are constructed of polymer film or paper. Plant sleeves generally are tapered (trapezoidally shaped) with an open top and an open bottom, although some have a closed bottom. A plant in a pot is placed in the plant sleeve so that the sleeve covers the pot and the plant. In some instances, an upper portion of the plant sleeve is removable along a line of perforations leaving at least a portion of the sleeve around the pot. In some instances, a separate sheet of material is placed about the pot and the remaining bottom portion of the plant sleeve holds this separate sheet of material in place. Alternatively, a floral grouping alone may be placed within the sleeve. It is also known to put potted plants in grocery bags.

It is also old in the art to form a sheet of material about a flower pot and then place an elastic band around the sheet of material to hold the sheet in place about the flower pot. In some instances, the band has been positioned about the outer surface of the pot with the sheet of material positioned between the band and the flower pot. In some instances, the band has been positioned above the upper end of the pot thereby causing a portion of the sheet of material to be forced inwardly over the upper end of the pot.

It is also old in the art to form a sheet of material into a conically shaped tube like member referred to commonly in the art as a sleeve. A floral grouping or flower pot with flowers therein can be disposed through the larger open end of the sleeve, wherein the sleeve covers the floral grouping or the flower pot and extends above and around the flowers in the floral grouping or flower pot.

It is also old in the art that cut flowers have been wrapped with the following materials or combinations of materials:

- 1. Kraft paper plus waxed or unwaxed tissue paper with the flowers being placed next to the waxed paper or tissue paper.
- 2. Kraft paper plus newspaper plus waxed or unwaxed tissue with the flowers being placed next to the waxed or unwaxed tissue. These three materials have been used to wrap flowers in various combinations such as Kraft paper plus newspaper or Kraft paper plus waxed or unwaxed tissue paper or newspaper plus waxed or unwaxed tissue paper.
- 3. Waxed or unwaxed tissue paper, polymer films and Kraft paper (treated for water resistance or wet strength or untreated).
- 4. Polymer film and waxed tissue paper.

Section 4. Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted

This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. 09/954,665, filed on September 18, 2001 (date).

(complete the following, if applicable)

[]	This applica	ation also	relies,	under	35	U.S.C.	120,	on	the ear	lier
	filing date	of prior	applicat	tion Se	erial	No			_, filed	on
	((date).								

The references that were submitted to, and/or cited by, the Office in the prior application(s) are not required to be provided in this application; however, the prior art references listed below were not cited previously in the prior application(s) and copies are provided herewith:

<u>U.S. Patents</u>: 3,293,100; 3,316,675; 4,149,339; 4,508,223; 4,900,390; 4,946,290; 5,076,011; 5,117,584; 5,706,605; 5,735,103; 5,758,472; 5,813,194; 5,924,241; 5,941,020; 5,966,866; 6,009,687; 6,047,524; D424,972; 6,098,336; 6,141,906; 6,182,395; 6,183,590.

<u>Foreign Patents</u>: 1,204,647-Denmark; 6,127,555-Japan; 8-19334-Japan; 9,712,819-PCT.

Other Materials: "WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub Date: 08/22/2002".

Section 5. Copies of Listed Information Items Accompanying this Statement

Legible copies of all items listed in Form PTO-1449 (Modified) accompany this information disclosure statement.

- [X] Exception(s) to above:
 - [X] Items in prior application from which an earlier filing date is claimed for this application, as identified in Section 4. Only copies of the following patents are enclosed:

Section 6. Identification of Person(s) Making this INFORMATION DISCLOSURE STATEMENT

The person making this statement is the attorney who signs below on the basis of the information:

- [] supplied by the inventor(s)
- [] supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)).
- [X] in the attorney's file

Respectfully submitted,

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Agent for Applicant

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Deposited On: 08/22/2003

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U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

(Fill-A-Form 7.92)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

Attorney's Docket Number Serial Number **Not Yet Assigned** 8403.964

Applicant Donald E. Weder

Group Filing Date Herewith

						U	. s	. PATENT DO	CUMENTS			
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		5	2	4	2	1	9	08/07/1894	Schmidt			
		7	3	2	8	8	9	07/07/1903	Paver			
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	1	0	4	4	2	6	0	11/12/1912	Schloss			
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	 1	4	4	6	5	6	3	02/27/1923	Hughes			
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	 1	6	1	0	6	5	2	12/14/1926	Bouchard			
	 1	6	9	7	7	5	1	01/01/1929	Blake	229	87	
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	1	8	1	1	5	7	4	03/14/1930	Barrett			
	 1	8	6	3	2	1	6	06/14/1932	Wordingham			
	1	9	7	8	6	3	1	10/30/1934	Herrlinger	91	68	
	 2	0	4	8	1	2	3	07/21/1936	Howard	229	87	
	R	Ε	2	1	0	6	5	05/02/1939	Copeman	93	2	
	 2	1	7	0	1	4	7	08/22/1939	Lane	206	56	_
	 2	2	0	0	1	1	1	05/07/1940	Bensel	229	1.5	
	 2	2	7	8	6	7	3	04/07/1942	Savada et al.	154	43	
	2	3	0	2	2	5	9	11/17/1942	Rothfuss	41	10	
	 2	3	2	3	2	8	7	07/06/1943	Amberg	229	53	
	2	3	5	5	5	5	9	08/08/1944	Renner	229	8	
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	2	4	1	1	3	2	8	11/19/1946	MacNab	33	12	
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	2	6	2	1	1	4	2	12/09/1952	Wetherell	154	117	
	2	6	4	8	4	8	7	08/11/1953	Linda	229	55	
	2	6	7	3_	4	9	5	03/1954	Hecker et al.	453	235	(<u> </u>
	2	6	8	8	3	5	4	09/07/1954	Berger	150	28	
	2	6	8	8	9	1	4	09/1954	Eckler	100	211	
	2	7	7	4	1	8	7	12/18/1956	Smithers	47	41	
	2	8	2	2	2	8	7	02/04/1958	Avery	117	14	
	2	8	4	6	0	6	0	08/05/1958	Yount	206	58	
	2	8	5	0	8	4	2	09/09/1958	Eubank Jr.	47	58	
	2	8	8	3_	2	6	2	04/21/1959	Borin	21	56	
	2	9	8	9	8	2	8	06/27/1961	Warp	53	390	<u> </u>
	3	0	0	3	6	8	1	10/1961	Orsini	383	121	
	3	0	2	2	6	0	5	02/27/1962	Reynolds	47	58	
	3	0	8	0	6	8	0	03/12/1963	Reynolds et al.	47	37	
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	3	1	2	1	6	4	7	02/18/1964	Harris et al.	118	202	
	3	1	3	0	1	1	3	04/21/1964	Silman	161	97	
	3	1	7	2	7	9	6	03/1965	Gulker	156	269	
	3	2	9	3	1	0	0	08/27/1963	Questel			
	3	2	7	1	9	2	2	09/13/1966	Wallerstein et al.	53	3	
	3	3	1	6	6	7	5	05/02/1967	Cartwright, Jr.			
	3	3	2	2	3	2	5	05/30/1967	Bush	229	62	
	3	3	5	7	1	5	2	12/1967	Geigel	53	452	
	3	3	7	5	9	6	9	04/1968	Davis Jr.	383	122	

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	3	3	7	6	6	6	6	04/09/1968	Leonard	47	41	
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	3	5	5	6	3	8	9	01/19/1971	Gregoire	229	53	
	3	5	5	7	5	1	6	01/26/1971	Brandt	53	14	
	3	6	2	0	3	6	6	11/16/1971	Parkinson	206	59	
	3	6	8	1	1	0	5	08/01/1972	Milutin et al.	117	15	
	3	6	9	0	5	4	5	09/1972	Piazze, T.	383	122	
	3	7	6	7	1	0	4	10/23/1973	Bachman et al.	229	7	
	3	7	9	3	7	9	9	02/26/1974	Howe et al.	53	32	
	3	8	0	4	3	2	2	04/1974	Ericson, A.	383	7	
	3	8	6	9	8	2	8	03/11/1975	Matsumoto	47	34.11	
	3	8	8	8	4	4	3	06/10/1975	Flanigen	248	152	
	3	8	8	9	8	7	8	06/1975	Bender	383	121	
	3	9	6	2	5	0	3	06/08/1976	Crawford	428	40	
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	4	1	1	3	1	0	0	09/12/1978	Soja et al.	206	602	
	4	1_	1	8	8	9	0	10/10/1978	Shore	47	28	

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	 4	2	8	0	3	1	4	07/28/1981	Stuck	53	241	
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	 4	3	3	3	2	6	7	06/08/1982	Witte	47	84	
	4	3	4	7	6	8	6	09/07/1982	Wood	47	73	
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	 4	4	1	3	7	2	5	11/08/1983	Bruno et al.	206	45.33	
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	4	5	4	6	8	7	5	10/15/1985	Zweber	206	0.82	
	 4	5	7	1	2	3	5	02/1986	Benoit	493	195	
	4	6	2	1	7	3	3	11/11/1986	Harris	206	423	
	4	6	4	0	0	7	9	02/03/1987	Stuck	53	390	
	4	7	1	7	2	6	2	01/05/1988	Roen et al.	383	120	
	 4	7	3	3	5	2	1	03/29/1988	Weder et al.	53	580	
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	 5	1	1	7	5	8	4	6/1992	Ottenwalder			
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	 5	1	8	1	3	6	4	01/26/1993	Weder	53	397	
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	 5	2	0	5	1	0	8	04/27/1993	Weder et al.	53	397	
	 5	2	1	9	2	2	0	06/1993	Kucera et al.	383	120	
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	 5	2	2	8	2	3	4	07/20/1993	de Klerk et al.	47	41.01	
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	 5	2	3	9	7	7	5	08/31/1993	Landau	47	72	
	 5	2	4	9	4	0	7	10/05/1993	Stuck	53	399	
	5	2	5	9	1	0	6	11/09/1993	Weder et al.	29	469.5	
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	5	3	1	5	7	8	5	05/31/1994	Avôt et al.	47	72	

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	5	3	8	1	6	4	2	01/1995	Weder et al.	53	399	
İ	 5	3	8	8	6	9	5	02/14/1995	Gilbert	206	423	
	 5	4	2	8	9	3	9	04/04/1995	Weder et al.	53	397	
	 5	4	4	3	6	7	0	08/22/1995	Landau	156	191	
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	 5	5	2	6	9	3	2	06/18/1996	Weder	206	423	
	5	5	5	1	5	7	0	09/03/2001	Shaffer et al.	206	575	
	 5	5	7	2	8	4	9	11/12/1996	Weder et al.	53	399	
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	 5	5	7	5	1	3	3	11/19/1996	Weder et al.	53	397	
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	 5	6	2	4	3	2	0	04/29/1997	Martinez	472	51	
	5	6	2	5	9	7	9	05/06/1997	Weder			
	 5	6	4	7	1	6	8	07/15/1997	Gilbert	47	72	
ļ	 5	6	4	7	1	9	3	07/15/1997	Weder et al.	53	465	
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	 5	7	1	5	9	4	4	02/10/1998	Windisch	206	423	
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		5	9	7	4	7	3	0	11/02/1999	Chien	47	41.01	
		6	0	0	9	6	8	7	01/2000	Weder	53	399	
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		6	0	4	7	5	2	4	04/2000	Weder	53	399	
		D	4	2	4	9	7	2	05/16/2000	Ferguson	D11	143	
	l	6	0	9	8	3	3	6	08/08/2000	Ferguson	206	423	
		6	1	2	9	2	0	8	10/10/2000	Ferguson	206	423	
		6	1	2	9	2	0	9	10/10/2000	Tchira	206	423	
		6	1	4	1	9	0	6	11/07/2000	Weder	47	72	
		6	1	8	2	3	9	5	02/2001	Weder	47	72	
		6	1	8	3	5	9	0	02/06/2001	Weder	47	72	

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EXAM INIT.				DOCUI	MENT N	IMBER			PUBLICATION DATE	COUNTRY OR PATENT	CLASS	SUBCLASS	Trans	lation
										OFFICE		3000335	YES	NO
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		1	2	0	4	6	4	7	09/09/1970	Denmark			X	
	i	0	0	5	0	9	9	0	05/05/1982	EPO	<u> </u>		X	
		0	7	9	1	5	4	3	08/27/1997	EPO		ļ	<u> x</u>	
		1	3	7	6	0	4	7	09/14/1964	France			X	
		2	0	3	6	1	6	3	12/24/1970	France			<u>X</u>	
		2	1	3	7	3	2	5	12/29/1972	France			X	
		2	2	7	2	9	1	4	12/26/1975	France			X	

	FC	RE	IGN	I PA	TE	NT	OR	PU	BLISHED FO	REIGN PATE	NT APP	LICATI	ON	
EXAM INIT.				DOCUI	MENT N	UMBER			PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Trans	lation NO
		2	4	8	9	1	2	6	03/05/1982	France			х	
		2	5	6	7	0	6	8	07/05/1984	France			Х	
		2	6	0	3	1	5	9	03/04/1989	France			x	
		2	6	1	0	6	0	4	08/12/1988	France*(see FN below)			X	
		2	6	1	9	6	9	θ	03/1989	France			X	
				1	5	5	5	0	06/02/1900	Germany			Χ	
			3	4	5	4	6	4	12/12/1921	Germany	!		X	
			5	1	3	9	7	1_	11/27/1930	Germany			Х	
		1	1	6	6	6	9	2	03/26/1964	Germany		·	x	
		1	9	6	2	9	4	7	06/24/1971	Germany	<u> </u>		x	
		2	0	6	0	8	1	2	11/04/1971	Germany			X	
		2	7	4	8	6	2	6	05/03/1979	Germany			Х	
		3	4	4	5	7	9	9	06/19/1986	Germany			Х	
		3	8	2	9	2	8	1	05/18/1989	Germany				Х
		3	9	1	1	8	4	7	10/25/1990	Germany			Х	
			2	2	4	5	0	7	04/30/1996	Italy			Х	
			5	4	2	9	5	8	02/23/1993	Japan			Х	
		6	1	2	7	5	5	5	05/10/1994	Japan	!		X	
		8	-	1	9	3	3	4	01/23/1996	Japan			Х	
			1	7	1	2	1	0	06/1999	Japan				
			2	5	7	1	3	1	09/2000	Japan				
			2	0	8	6	7	6	08/1999	Japan				
		1	0	0	0	6	5	θ	01/05/1996	Netherlands			Х	
		8	3	0	1	7	0	9	12/1984	Netherlands			X	
		9	3	1	5	9	7	9	08/19/1993	PCT			X	
		9	7	1	2	8	1	9	04/10/1997	PCT			Х	

	FO	RE:	<u>IGN</u>	I PA	TE	NT	OR	PU	BLISHED FO	REIGN PATE	IT APP	LICATI	ON	
EXAM INIT.				DOCU	MENT N	UMBER			PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	Trans	lation
			5	6	0	5	3	2	04/15/1975	Switzerland			Х	
					5	6	0	5	05/06/1885	United Kingdom			X	
		2	0	5	6	4	1	0	03/18/1981	United Kingdom]		X	
		2	0	7	4	5	4	2	11/04/1981	United Kingdom			Х	
		2	1	2	8	0	8	3	04/26/1984	United Kingdom	_	,	X_	
		2	2	0	3	1	2	7	10/12/1988	United Kingdom			Х	
		2	2	1	2	1	3	6	07/19/1989	United Kingdom			Х	
		2	2	5	2	7	0	8	08/19/1992	United Kingdom			X	
		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS (Include name of Author (In CAPITAL LETTERS), Title of the Article (when appropriate), Title of the Item (book, magazine, journal, serial, symposium, catalog, etc.) Date, Relevant Pages, Volume-Issue Number(s), Publisher, City and/or Country where Published. **Place of publication. Speed Cover Brochure, "The Simple Solution For Those Peak Volume Periods", Highland Supply Corporation, ©1989. "Speed Sheets and Speed Rolls" Brochure, Highland Supply Corporation, ©1990. "Color Them Happy with Highlander Products" ©1992. "Costa Keeps the Christmas Spirit", Supermarket Floral, September 15, 1992. "Super Seller", Supermarket Floral, September 15, 1992. "Halloween", Link Magazine, September 1992.												
		"No	w M	ore T	Than	Eve	r", S	uper	market Floral, Se	ptember 15, 1992.				
							-			September 26, 19				
		"A Inc	Work	d of oblish	Cut F	lowe orior	er an	d Po arch	t Plant Packaging 31, 1994, 6 page	" Brochure, Klerk's	Plastic Pi	roducts Ma	nufacti	uring,
			antle						showing Zipper S	Sleeve™ and Floras	heet®, p	oublished p	orior to	
		"St	and	Alon	e Pla	stic	Bagr	naki	ng" brochure, AM	I, Atlanta, GA, Feb	ruary 15	, 1996, 2	pages.	
		"Fo	il Ja	ckets	s" bro	ochu	re, C	usto	m Medallion, Inc.	., December, 1996,	2 pages			
		of t	the c	onte	nts o	of the	e Fre	ench	604A. It is noted patent. The Frecontainer. 1988.	that the abstract is nch patent does no	an incor t enable	rect Englis or disclos	h trans e adhe	lation sively

EXAM INIT.	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS (Include name of Author (In CAPITAL LETTERS), Title of the Article (when appropriate), Title of the item (book, magazine, journal, serial, symposium, catalog, etc.) Date, Relevant Pages, Volume-Issue Number(s), Publisher, City and/or Country where Published. **Place of publication.
	"Silver Linings" Brochure, Affinity Diversified Industries, Inc., 1986. The Silver Linings brochure shows a floral sleeve with a closed bottom. The brochure shows, in one embodiment, a vase with flowers inside a "cut flower" sleeve with the sleeve tied with a ribbon about the neck of the vase.
	"Special Occasion Printed Highlophane Bags" Brochure, Highland Supply Corporation, 1990, 2 pages.
	"Creative Packaging" Brochure, John Henry Company, Sept. 1992.
	"Make Highlander Your Headquarters" Brochure, Highland Supply Corporation, 1991.
	WEDER ET AL., "Sleeve with a Triangular Lower End", U.S. Patent Application Publication, Pub. No. US 2002/0112401 A1, Pub. Date: 08/22/2002.
EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Included copy of this form with next communication to applicant. **Place of Publication refers to name of publication in which the information was published.	